

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

-against-

DAVID H. BROOKS,

Defendant.
-----X

~~[PROPOSED]~~
ORDER STAYING
RESTITUTION
PENDING APPEAL

06-cr-0550 (S-2)

(Seybert, J.)

WHEREAS, on April 8, 2015, this Court entered an Amended Judgment against Defendant David H. Brooks, which included an order to pay restitution in the amount of \$94,379,902.93 to more than 8,000 individuals and entities;

WHEREAS, a Notice of Appeal of the Amended Judgment was filed on Defendant Brooks's behalf on April 13, 2015;

WHEREAS, under Rule 38(e) of the Federal Rules of Criminal Procedure, "[i]f the defendant appeals, the district court . . . may stay—on any terms considered appropriate—any sentence providing for restitution under 18 U.S.C. § 3556";

WHEREAS, Defendant Brooks has moved for an order staying restitution pending the disposition of his appeal, and the government has consented to the entry of such an order;

WHEREAS, prior to the entry of the Amended Judgment this Court entered an order restraining assets that have been valued at approximately \$160 million in anticipation of an order of restitution, and these assets remain in the custody of the government;

WHEREAS, the Court finds that it is appropriate to stay restitution as to Defendant Brooks until the disposition of his appeal in light of the amount of assets restrained for the purpose of restitution and the substantial difficulty of recovering restitution payments from the

large number of victims identified in the Amended Judgment if Defendant Brooks's appeal is successful;

IT IS HEREBY ORDERED THAT the Amended Judgment ordering Defendant Brooks to pay restitution is stayed pending the disposition of his appeal.

Dated: Central Islip, New York
July 29, 2015

SO ORDERED:

/s/ JOANNA SEYBERT
HONORABLE JOANNA SEYBERT
SENIOR U.S. DISTRICT COURT JUDGE